

REMARKS

Claims 1-20 are all the claims pending in the present Application.

By this Amendment, Applicants amend claims 2-5 and 7-14 to cure minor informalities, and add claims 15-20 which are clearly supported by the specification. No new subject matter has been entered. The amendment to claims 2-5 and 7-14 is made for reasons of precision of language and consistency, and does not narrow the literal scope of the claims and thus does not implicate an estoppel in the application of the doctrine of equivalents.

I. Specification

Specification stands objected to because of the informalities.

Specification has been amended to alleviate Examiner's objections. It is respectfully requested that objections to the specification be withdrawn.

II. Claim Rejections Under 35 U.S.C. § 102

Claims 1-4 and 9-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Washabaugh (U.S. Patent No. 7,023,856).

Claim 1 recites among other elements: "determining a part of the traffic which will follow a dedicated tunnel between said ingress router and an egress router; provisioning a tunnel queue dedicated to said part of the traffic intended to flow via said dedicated tunnel, for separately and temporarily storing said part of the traffic towards said dedicated tunnel."

1. Washabaugh does not teach or suggest determining a part of the traffic in the Ethernet switch/router which will follow a dedicated tunnel

Washabaugh describes that the ATM traffic enters and leaves the Ethernet switch/router on the same user-specific VC. For example, traffic that enters the Ethernet switch/router on VC1 leaves the Ethernet switch/router on VC1. (Col. 4, 49-52.) Therefore, Washabaugh teaches that the packets that come into the Ethernet switch/router in the virtual tunnel from a specific user

leave the Ethernet switch/router to go to the communications network via the same user specific virtual tunnel. Washabaugh does not teach or suggest that all the packets, that come to the Ethernet switch/router via a tunnel are sorted out in the Ethernet switch/router to be transferred to the communications network via different tunnels, such as some packets are transferred via a standard tunnel and other packets are transferred via a dedicated special tunnel.

2. Washabaugh does not teach or suggest a dedicated special tunnel for a portion of data all the way between the Ethernet switch/router and communications network

All the packets from each virtual tunnel(s) in Washabaugh are transferred to the communications network via the same link 648, 748 as clearly shown in Figs. 6 and 7. Nowhere does Washabaugh teach or suggest that a part of a traffic follows a dedicated tunnel all the way from the Ethernet switch/router to the communications network, while the remainder of the traffic follows another data path. All traffic in Washabaugh leaves the Ethernet switch/router to come into the communications network through the same data link.

3. Washabaugh does not teach or suggest providing a dedicated special tunnel queue for a part of a traffic for a special dedicated tunnel

As discussed above, Washabaugh teaches that all the packets from a specific user are split into classes specific queues within the same user specific virtual tunnel of arrival. Washabaugh does not teach or suggest a special tunnel queue for an identified portion of the traffic which arrives from a specific user in a specific virtual tunnel. Further, a packet is removed from one of the class-specific queues in the virtual tunnel and placed into the SAR queue 656 whenever there is room in the SAR queue for another packet. (Col. 7, lines 36-39.) The packets stored in SAR are transferred to the communications network. Accordingly, all the packets that arrive from a specific user are classified into classes stored into corresponding queues by the class in the virtual tunnel of arrival, and are transferred into the same SAR queue.

In summary, because Washabaugh does not teach or suggest at least “determining a part of the traffic which will follow a dedicated tunnel between said ingress router and an egress router; provisioning a tunnel queue dedicated to said part of the traffic intended to flow via said

dedicated tunnel, for separately and temporarily storing said part of the traffic towards said dedicated tunnel,” it is respectfully submitted that **claim 1 and dependent claims 2-8** distinguish patentably and unobviously over Washabaugh.

Claim 9 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. For at least substantially analogous additional exemplary reasons, therefore, **claim 9 and dependent claims 10-14** distinguish patentably and unobviously over Washabaugh.

III. Rejections of Claims 5-7 and 13 Under 35 U.S.C. § 103

Claims 5-7 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Washabaugh (U.S. Patent No. 7,023,856) in view of Goguen (U.S. Patent No. 6,665,273).

Claims 5-7 depend on claim 1. Applicants have already demonstrated that Washabaugh does not meet all the features of independent claim 1. Goguen does not compensate for the above-identified deficiencies of Washabaugh. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Since claims 5-7 depend on claim 1, they are patentable at least by virtue of their dependency.

Claim 13 depends on claim 9 and recites features similar to, although not necessarily coextensive with, the features argued above with respect to claims 5-7. Therefore, arguments presented with respect to claims 5-7 are respectfully submitted to apply with equal force here. For at least substantially analogous additional exemplary reasons, therefore, **claim 13** is patentable at least by virtue of its dependency.

IV. Rejections of Claims 8 and 14 Under 35 U.S.C. § 103

Claims 8 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Washabaugh (U.S. Patent No. 7,023,856) in view of Goguen (U.S. Patent No. 6,665,273), and further in view of Mauger (U.S. Patent No. 6,522,627).

Claim 8 depends on claim 1. Applicants have already demonstrated that Washabaugh does not meet all the features of independent claim 1. Goguen and Mauger do not compensate for the above-identified deficiencies of Washabaugh. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Since claim 8 depends on claim 1, claim 8 is patentable at least by virtue of its dependency.

Claim 14 depends on claim 9 and recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 8. Therefore, arguments presented with respect to claim 8 are respectfully submitted to apply with equal force here. For at least substantially analogous additional exemplary reasons, therefore, **claim 14** is patentable at least by virtue of its dependency.

V. New Claims

In order to provide more varied protection, Applicants add **claims 15-20**. Claim 15 is patentable at least for analogous reasons set forth above with respect to claim 1. Claims 16-20 are patentable by virtue of their dependencies and for additional features set forth therein. No new subject matter has been entered.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

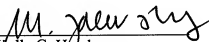
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Date: May 9, 2008